

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL BEARAM,	:
Plaintiff	:
v.	: Case No. 3:13-cv-91-KRG-KAP
GEORGE C. WIGEN, WARDEN,	:
MOSHANNON VALLEY CORRECTIONAL	:
CENTER,	:
Defendant	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636, and Local Civil Rule 72 for Magistrate Judges.

After screening the complaint under 28 U.S.C. § 1915A, the Magistrate Judge filed a Report and Recommendation on April 19, 2013, docket no. 19, recommending that the defendant's motion to dismiss, docket no. 13, be granted and the complaint be dismissed for failure to state a claim, and also dismissed as duplicative of Bearam v. Wigen, Case No. 3:13-cv-50-KRG-KAP (W.D.Pa. April 10, 2013), appeal docketed No. 13-2167 (3d Cir.).

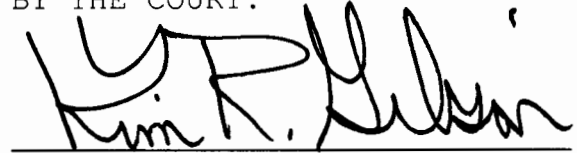
The parties were notified, pursuant to 28 U.S.C. § 636(b)(1), that they had fourteen days to file written objections to the Report and Recommendation. No objections have been filed and the time to do so has expired.

Upon review of the Report and Recommendation, and noting the absence of timely objections thereto, the following order is entered:

AND NOW, this 16<sup>th</sup> day of May, 2013, it is

ORDERED that the defendant's motion to dismiss, docket no. 13, is granted and the complaint is dismissed for failure to state a claim. Further leave to amend would be inequitable and is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice to counsel of record by ECF and by U.S. Mail to:

Michael Bearam, Reg. No. 63141-053  
Moshannon Valley Correctional Center  
P.O. Box 2000  
Philipsburg, PA 16866-0798